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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,127	10/04/2004	Jacques Marty	92940	6568

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EXAMINER	
BROWN, VERNAL U	

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
07/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/510,127	MARTY, JACQUES	
	Examiner	Art Unit	
	VERNAL U. BROWN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on May 04, 2009.

Response to Amendment

The examiner acknowledges the amendment of claims 8, 21, 24.

Response to Arguments

Applicant argues that the reference of Terrier is silent on teaching comparing a first electromagnetic characteristic to a second electromagnetic characteristic. It is the examiner's position that the reference of Terrier is not relied upon for teaching this limitation. The reference of Terrier is relied upon for teaching determining the position of a remote control device based on the electromagnetic characteristic of the signal received from the remote control device and operating a home automation system based on the determined location of the remote control col. 5 line 20-col. 6 line 45). The reference of Weinstein is relied upon for teaching determining the position of the remote control by comparing the electromagnetic characteristic of the radio-electrical signal and the comparison is carried out by comparing the x,y,z component of the electromagnetic signal (col. 4 lines 1-9).

Applicant argues on page 11 that the reference of Weinstein teaches monitoring a distance by calculating a composite field strength from the vectoral sum of the signal received from multiple antennas and this is different from the claimed invention. It is the examiner's position that claim 8 broadly recites the limitation of comparing the a first and second electromagnetic of the signal. The examiner considers the magnetic component of the magnetic

field in the x,y, and z direction as the electromagnetic characteristic and the x,y,z components are derived from the same electromagnetic signal.

Regarding applicant argument regarding the reference of Shattil, the reference of Shattil is only relied upon for teaching the use of a auxiliary and main antenna (col. 3 lines 50-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-20, 21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terrier et al. US Patent 6219613 in view of Weinstein US Patent 5170172.

Regarding claim 8, Terrier teaches receiving a radio electrical signal (electromagnetic) from a remote control (20) (col. 3 line 64-col. 4 line 3);

determining a characteristic of the radio electric signal by determining the threshold of the received radio signal and determining the position of the remote control based on the threshold of the received radio signal (col. 5 line 20-col. 6 line 45). Terrier also teaches controlling a movable barrier based on the transmission zone of the remote near control (col. 9 lines 3-6). Terrier et al. is silent on teaching comparing a first and second electromagnetic characteristic. Weinstein in an analogous art teaches the near and far field is determine by the radial distant from the transmitter and determining the position base on the location of the transmitter in the near or far field (col. 8 line 58-col. 9 line 9). Weinstein teaches comparing a

first and second electromagnetic characteristic by comparing x, y, and z component of the magnetic and electric field intensity in order to determine the position of the transmitter (col. 4 lines 1-9).

It would have been obvious to one of ordinary skill in the art to modify the system of Terrier as disclosed by Weinstein because comparing the characteristic of the electromagnetic signal enables a more accurate determination of the transmitter.

Regarding claims 9-20, Terrier et al teaches measuring the amplitude of the received radio electrical signal at two points and the two points lying substantially one behind the other by counting the number of responses the antennas received from the transponder moves along the roadway (col. 6 lines 1-5). It is the examiner's position that the field strength of the received radio electric signal relates to the power and amplitude of the signal. It is also the examiner's position that the magnetic field relates to the electric field and the relationship is further determine whether or not the transmitter is located in the near or far field.

Regarding claims 21 and 23, Terrier teaches a unit (30) for controlling a gate col. 9 lines 3-6);

a radio-electrical wave receiver having antennas (18A, 18B, and 18C) and teaches a RF module (24) for receiving the signal received from the antenna and demodulate the received signal (col. 3 lines 48-54) and the examiner take official notice that an amplifier stage is generally included in the RF module. Terrier teaches determining the position of the remote control based on the threshold of the received radio signal (col. 5 line 20-col. 6 line 45) and a processor (35) is used for analyzing the received signal. Terrier also teaches controlling a movable barrier based on the

transmission zone of the remote near control (col. 9 lines 3-6). Terrier teaches the antennas (18A, 18B, and 18C) are arranged one behind the other (figure 1) but is silent on teaching the antennas are of the coil type. Weinstein in an analogous art teaches the use of coil type antennas (col. 10 lines 42-50) in order to provided highly directional antenna.

It would have been obvious to one of ordinary skill in the art to modify the system of Terrier as disclosed by Weinstein because coil antennas provided highly directional antenna and the length of the antennas can be increase by winding more turns.

Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terrier et al. US Patent 6219613 in view of Weinstein US Patent 5170172 and further in view of Shattil US Patent 6208135.

Regarding claims 24-26, Terrier teaches a unit (30) for controlling a gate col. 9 lines 3-6);

a radio-electrical wave receiver having antennas (18A, 18B, and 18C) and teaches a RF module (24) for receiving the signal received from the antenna and demodulate the received signal (col. 3 lines 48-54). Terrier teaches determining the position of the remote control based on the threshold of the received radio signal (col. 5 line 20-col. 6 line 45) and a processor (35) is used for analyzing the received signal. Terrier also teaches controlling a movable barrier based on the transmission zone of the remote near control (col. 9 lines 3-6). Terrier et al. is silent on teaching comparing a first and second electromagnetic characteristic. Weinstein in an analogous art teaches the near and far field is determine by the radial distant from the transmitter and determining the position base on the location of the transmitter in the near or far field (col. 8 line 58-col. 9 line 9). Weinstein teaches comparing a first and second electromagnetic characteristic by comparing x, y, and z component of the magnetic and electric field intensity in order to

determine the position of the transmitter (col. 4 lines 1-9). Terrier is silent on teaching the use of auxiliary. Shattil in an analogous art teaches the use of a auxiliary and main antenna (col. 3 lines 50-60).

It would have been obvious to one of ordinary skill in the art to modify the system of Terrier et al. as disclosed by Shattil the auxiliary antenna enable a more accurate determination of the remote control by limiting the effect of the noise source. The comparing of the characteristic of the electromagnetic signal enables a more accurate determination of the location of the remote transmitter.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terrier et al. US Patent 6219613 in view of Weinstein US Patent 5170172 and further in view of Shattil US Patent 6208135.

Regarding claim 22, Terrier is silent on teaching the use of auxiliary. Shattil in an analogous art teaches the use of a auxiliary and main antenna (col. 3 lines 50-60).

It would have been obvious to one of ordinary skill in the art to modify the system of Terrier et al. as disclosed by Shattil because the auxiliary antenna enable a more accurate determination of the remote control by limiting the effect of the noise source.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/
Examiner, Art Unit 2612
July 29, 2009